

**Council of the District of Columbia**  
**Committee on Transportation and the Environment**

**Committee Report**

1350 Pennsylvania Avenue, N.W., Washington, DC 20004

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To: Members of the Council of the District of Columbia

From: Mary M. Cheh, Chairperson  
Committee on the Transportation and the Environment

Date: December 11, 2019

Subject: B23-191, the "Polystyrene Food Service and Packaging Prohibition Amendment Act of 2019"

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2019 DEC 12 AM 10:04  
OFFICE OF THE  
SECRETARY

The Committee on Transportation and the Environment, to which B23-191, the "Polystyrene Food Service and Packaging Prohibition Amendment Act of 2019" was referred, reports favorably on the legislation and recommends approval by the Council of the District of Columbia.

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## **STATEMENT OF PURPOSE AND EFFECT**

B23-191, the “Polystyrene Food Service and Packaging Prohibition Amendment Act of 2019” would prohibit the retail sale of polystyrene food service products, containers, and packaging.

### **I. Background**

In 2014, the D.C. Council passed the Sustainable DC Omnibus Act of 2014, which banned the use of disposable food service ware made of expanded polystyrene (commonly known as Styrofoam). The ban on such products went into effect on January 1, 2016, and applies to all District businesses and organizations that serve food, including bars, restaurants, cafes, supermarkets, and schools. It exempts products packaged in expanded polystyrene before arrival at the food service business, as well as materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

This legislation was intended to protect the District’s waterways through pollution prevention. Expanded polystyrene photodegrades into very small pieces or particles that are difficult or impossible to remove from the environment. Because it is light and breaks down easily, expanded polystyrene foam is easily blown by wind or washed by rain into the District’s waterways. At the time this ban was passed, expanded polystyrene foam was one of the most common types of trash found in the Anacostia River. Once there, it adheres to toxics in the water and can be mistaken as a food source by local wildlife. Once it enters the food chain, it may also pose a risk to human health. Polystyrene is made of styrene, which has been determined to be “reasonably anticipated to be a human carcinogen” by the National Toxicology Program.<sup>1</sup> Furthermore, expanded polystyrene is not accepted in the District’s recycling program.

Evidence collected from trash traps has suggested that the presence of polystyrene foam has decreased since the ban went into effect in 2016. However, the current ban only applies to the provision of food in expanded polystyrene food service products, not to the retail sale of expanded polystyrene food service products themselves. Advocates have argued that this creates a loophole in the law that undermines the intended effect of the original ban.

### **II. Legislative Action**

Bill 23-191 would ban the sale of expanded polystyrene food service products, containers, and packing materials. This closes the loophole regarding expanded polystyrene food service products so that the products cannot be sold or offered for sale at retail in the District. It also expands the ban to two additional types of expanded polystyrene products: containers (such as coolers and ice chests) and packing material (such as packing peanuts).

The Committee print differs from the bill as introduced in a few respects. First, it clarifies that the existing exemption for foods provided in expanded polystyrene food service products only applies to the provision of food in such products, not to the retail ban. Second, the bill as introduced only added a ban on packing peanuts. The Committee print bans the sale of all packing materials

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<sup>1</sup> National Toxicology Program, “12th Report on Carcinogens” (10 June 2011),

made of expanded polystyrene, as well as containers such as coolers and ice chests, in response to recommendations made by environmental advocates. Finally, the Committee print would move back the compliance date by 6 months, to January 1, 2021, to provide sufficient time for the government to educate the public about the new requirements and prepare for expanded enforcement activities as needed.

### **CHRONOLOGY OF ACTION**

March 14, 2019	Introduction of B23-191 by Chairman Mendelson on behalf of the Mayor
March 19, 2019	Referral of B23-191 to the Committee on Transportation and the Environment
March 22, 2019	Notice of Intent to Act on B23-191 is published in the <i>District of Columbia Register</i>
June 21, 2019	Notice of Public Hearing on B23-191 is published in the <i>District of Columbia Register</i>
July 5, 2019	Revised Notice of Public Hearing on B23-191 is published in the <i>District of Columbia Register</i>
July 10, 2019	Public Hearing on B23-191 held by the Committee on Transportation and the Environment
December 11, 2019	Consideration and vote on B23-191 by the Committee on Transportation and the Environment

### **POSITION OF THE EXECUTIVE**

On July 10, 2019, Director of the Department of Energy and Environment (DOEE) Tommy Wells testified in support of B23-191. The Executive, informed by the work of the Office of the Clean City, introduced this bill to reduce the impacts of expanded polystyrene on local waterways and wildlife. He noted that foam products are easily blown by wind or rain into waterways, where they break down into smaller pieces, adhere to toxics in the water, and are consumed by wildlife.

Director Wells testified that DOEE fully supports extending the current ban to retailers outside the food service industry. He noted that there has been a decrease in foam since the current law went into effect, and that expanding the ban will help fully eliminate foam in District waterways.

In response to questioning, Director Wells emphasized that recycling efforts should not be cited as a reason to abandon efforts to reduce the use of harmful materials. He explained how packing materials are a particularly problematic form of expanded polystyrene packaging because users do not take responsibility for the disposition of the product. He also clarified that it is possible to recycle expanded polystyrene, but extremely expensive, due to unique equipment required. He

also expressed support for exploring new ways to employ a product stewardship model for waste reduction, such as the programs currently in place for paint and electronic waste.

### **RESOLUTIONS BY ADVISORY NEIGHBORHOOD COMMISSIONS**

No Advisory Neighborhood Commission adopted a resolution concerning B23-191 prior to the close of the hearing record.

### **LIST OF WITNESSES AND ROUNDTABLE RECORD**

On July 10, 2019, the Committee on Transportation and the Environment held a public hearing on B23-191, the “Polystyrene Food Service and Packaging Prohibition Amendment Act of 2019.” The following public witnesses testified at the hearing:

**Christopher Weiss**, executive director of DC Environmental Network, testified in support of B23-191. He noted that expanding the ban on polystyrene to retail sale and loose fill packaging would help close loopholes in the existing law. He also urged the District to move forward with a Pay-As-You-Throw model for disposition of municipal waste.

**Gabriella Valderrama**, with Global Green, testified in support of B23-191. She testified that Global Green believes that the legislation will help strengthen the existing ban on polystyrene food service products, noting that it is not economically feasible to recycle expanded polystyrene, that polystyrene easily enters into our ecosystem, and that it continues to be one of the most common plastics found in the Potomac and Anacostia Rivers. She also noted that polystyrene contains styrene and benzene, known carcinogens.

**Ari Eisenstadt**, DC Conservation Advocate for the Audubon Natural Society, testified in support of B23-191. She stated that the legislation would close an important loophole in the existing law. She also encouraged strong implementation of the current ban and the proposed bill once finalized. She noted that as long as polystyrene continues to be an available, inexpensive product, it will get used; removal from the market will create competition for better alternatives.

**Adam Peer**, from the American Chemistry Council, testified in opposition to B23-191, on the ground that it would not result in a reduction in marine litter and waste, and instead lead to increases in litter of alternative materials. He also testified that it would increase greenhouse gas emissions because polystyrene requires less energy to produce than alternative products. He also noted that compostable food service containers only degrade in industrial composting facilities, and instead often end up in landfills. He recommended alternate routes to reducing landfill disposal.

In addition, the following public witnesses submitted written testimony:

**Paul Poe**, from Dart Container Corporation, submitted testimony in opposition to B23-191, noting a negative economic impact on businesses and residents that will have to replace polystyrene with a more expensive alternative. The testimony also noted that compostable food service ware in the District ends up in landfills because the District does not maintain a composting

facility. Finally, the testimony asserts that there are no safety or health concerns regarding styrene in food service products.

**Catherine Plume**, Vice Chair of the DC Chapter of the Sierra Club, submitted testimony in support of B23-191, noting that it would help reduce plastic waste in landfills and the District's waterways. She notes that viable alternatives are readily available at comparable cost. She also testified about other environmental concerns, including tipping fees at District transfer stations, the safety of DC Water biosolids, and plastic turf on playing surfaces.

### **ANALYSIS OF IMPACT ON EXISTING LAW**

B23-191 would amend the Sustainable DC Omnibus Amendment Act of 2014 to ban retailers from selling or offering for sale food service products, containers, or packing materials made of expanded polystyrene.

### **SUMMARY OF FISCAL IMPACT**

A fiscal impact statement issued by the Chief Financial Officer on December 10, 2019, is attached to this report. The Chief Financial Officer concluded that funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

### **SECTION-BY-SECTION ANALYSIS**

**Section 1** provides the short title of the legislation as the "Polystyrene Food Service Product and Packaging Prohibition Amendment Act of 2019".

**Section 2** amends the Sustainable DC Omnibus Amendment Act of 2014 to ban the retail sale of expanded polystyrene food service products, expanded polystyrene containers, and expanded polystyrene packaging.

**Section 3** contains the fiscal impact statement.

**Section 4** provides that the act shall take effect following approval by the mayor, a 30-day period of congressional review, and publication in the District of Columbia Register.

### **COMMITTEE ACTION**

On December 11, 2019, the Committee on Transportation the Environment convened a mark-up at 2:37 p.m. on Bill 23-191, the "Polystyrene Food Service and Packaging Prohibition Amendment Act of 2019." Present and voting were Chairperson Cheh and Councilmembers Allen and Evans. Chairperson Cheh gave a brief description of B23-191 before opening the floor for comments from the members. Chairperson Cheh then moved for block approval of the Committee print of B23-191 and the Committee report on B23-191. The Committee voted 3-0 to move the Committee print and the Committee report with the members voting as follows:

YES: Cheh, Allen, Evans

NO:

The meeting was adjourned.

**ATTACHMENTS**

- (A) Bill 23-191, as introduced, with the Mayor's Transmittal Letter, Fiscal Impact Statement, and Legal Sufficiency Determination
- (B) Fiscal Impact Statement
- (C) Legal Sufficiency Determination
- (D) Comparative Print of Bill 23-191
- (E) Committee Print of Bill 23-191

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ATTACHMENT


A

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**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**1350 Pennsylvania Avenue, N.W.**  
**Washington D.C. 20004**

Memorandum

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To : Members of the Council  
  
From : Nyasha Smith, Secretary to the Council  
Date : March 19, 2019  
Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Thursday, March 14, 2019. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019", B23-0191

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee on Transportation and the Environment.

Attachment

cc: General Counsel  
Budget Director  
Legislative Services





2019 MAR 14 PM 1:40  
OFFICE OF THE  
SECRETARY

MURIEL BOWSER  
MAYOR

MAR 14

The Honorable Phil Mendelson  
Chairman  
Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 504  
Washington, DC 20004

Dear Chairman Mendelson:

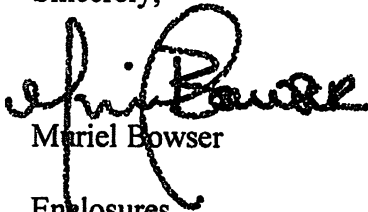
Enclosed for consideration and approval by the Council of the District of Columbia is a bill entitled the "Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019."

The legislation amends the Sustainable DC Omnibus Amendment Act of 2014 to further reduce the impacts of expanded polystyrene foam as litter in DC's neighborhoods and waterways. While currently expanded polystyrene foam food packaging may not be provided by food service establishments, this bill also prohibits the retail sale of these products. The bill also prohibits the sale of loose fill packaging, commonly known as packing peanuts.

With the passage of this bill, the District of Columbia will continue to address trash pollution in the Anacostia River as well as other District waterways and neighborhoods. Through this legislation, we reaffirm our commitment to a clean, safe, and healthy DC.

If you have any questions on this matter, please contact Julie Lawson, Director of the Mayor's Office of the Clean City, at 202-442-8150.

Sincerely,

  
Muriel Bowser  
Enclosures

  
Chairman Phil Mendelson  
at the request of the Mayor

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the Sustainable DC Omnibus Amendment Act of 2014 to prohibit the retail sale of expanded polystyrene food service and loose fill packaging.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this act may be cited as the “Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019”.

Sec. 2. The Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 *et seq.*), is amended as follows:

(a) Section 401 (D.C. Official Code § 8-1531) is amended as follows:

(1) A new paragraph (3A) is added to read as follows:

“(3A) Polystyrene loose fill packaging means void-filling packaging product made of expanded polystyrene that is used as packaging fill. Polystyrene loose fill packaging is commonly referred to as packing peanuts.”

(2) A new paragraph (6) is added to read as follows:

“(6) “Retailer” means any person engaged in the business of making sales at retail within the District.”.

(b) Section 402 (D.C. Official Code § 8-1532) is amended by adding a new subsection (a-1) to read as follows:

30           “(a-1) By July 1, 2020, no retailer shall sell or offer for sale an expanded polystyrene  
31 food service product or polystyrene loose fill packaging.”.

32           Sec. 3. Fiscal impact statement.

33           The Council adopts the fiscal impact statement in the committee report as the fiscal  
34 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
35 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206(c)(3)).

36           Sec. 4. Effective date.

37           This act shall take effect following approval by the Mayor (or in the event of veto by the  
38 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
39 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
40 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
41 Columbia Register.

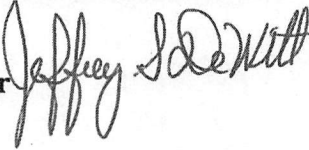
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** January 31, 2019

**SUBJECT:** Fiscal Impact Statement – Polystyrene Food Service and Loose Fill  
Packaging Prohibition Amendment Act of 2019

**REFERENCE:** Draft Bill as shared with the Office of Revenue Analysis on January 31,  
2019

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**Conclusion**

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

**Background**

Beginning in 2016, the District banned the use of expanded polystyrene (Styrofoam) containers by food service businesses<sup>1</sup> in the District.<sup>2</sup> The Department of Energy and Environment (DOEE) implements and enforces the ban on these products as well as a ban on other food service products that cannot be recycled or composted.

The bill expands the polystyrene ban to prohibit the sale of polystyrene food service or loose fill packaging<sup>3</sup> products at retail establishments in the District. Retail establishments must stop selling these products by July 1, 2020.

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<sup>1</sup> These businesses include restaurants, cafes, delis, coffee shops, supermarkets, food trucks, etc. regardless of whether the food is for consumption on or off the premises.

<sup>2</sup> Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 et seq.).

<sup>3</sup> Polystyrene loose fill packaging is commonly referred to as packing peanuts.

**The Honorable Phil Mendelson**

**FIS: "Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment Act of 2019," Draft Bill as shared with the Office of Revenue Analysis on January 31, 2019**

**Financial Plan Impact**

**Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. DOEE enforces the current bans related to food service businesses and will utilize this same enforcement staff to enforce this Act's prohibitions on retail sales of polystyrene products. DOEE can absorb any costs associated with enforcement, advertising, and education with its existing budgeted resources. The prohibition begins on July 1, 2020, giving DOEE time to fully establish its enforcement policies and processes for the recently implemented polystyrene and disposable food service product bans before beginning enforcement of the Act's retail business ban.**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



Legal Counsel Division

**MEMORANDUM**

**TO:** Alana Intrieri  
Director  
Office of Policy and Legislative Affairs

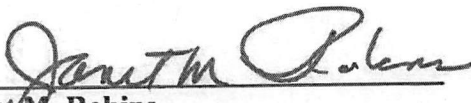
**FROM:** Janet M. Robins  
Deputy Attorney General  
Legal Counsel Division

**DATE:** December 20, 2018

**RE:** Polystyrene Food Service and Loose Fill Packaging Prohibition Amendment  
Act of 2019  
(AE-18-513B)

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**This is to Certify that** this Office has reviewed the above-referenced legislation and found it to be legally unobjectionable. If you have any questions, please do not hesitate to call me at 724-5524.

  
\_\_\_\_\_  
Janet M. Robins

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ATTACHMENT

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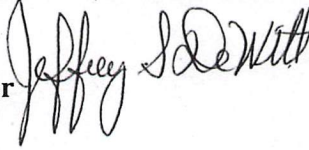
Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** December 10, 2019

**SUBJECT:** Fiscal Impact Statement – Polystyrene Food Service Product and Packaging Prohibition Amendment Act of 2019

**REFERENCE:** Bill 23-191, Draft Committee Print as shared with the Office of Revenue Analysis on November 15, 2019

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**Conclusion**

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

**Background**

Beginning in 2016, the Council banned the use of expanded polystyrene (Styrofoam) containers by food service businesses<sup>1</sup> in the District.<sup>2</sup> The Department of Energy and Environment (DOEE) implements and enforces the ban on these products as well as a ban on other food service products that cannot be recycled or composted.

The bill expands the polystyrene ban to prohibit the sale of polystyrene food service products, packaging materials,<sup>3</sup> and other containers<sup>4</sup> at retail establishments in the District. Retail establishments must stop selling these products by July 1, 2020.

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<sup>1</sup> These businesses include restaurants, cafes, delis, coffee shops, supermarkets, food trucks, etc. regardless of whether the food is for consumption on or off the premises.

<sup>2</sup> Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 et seq.).

<sup>3</sup> Polystyrene packaging materials includes packing peanuts and other Styrofoam products used to hold, cushion, or protect shipped items.

<sup>4</sup> This includes containers such as coolers or ice chests that are not encased in a more durable material.



The Honorable Phil Mendelson

FIS: Bill 23-191, "Polystyrene Food Service Product and Packaging Prohibition Amendment Act of 2019,"  
Draft Committee Print as shared with the Office of Revenue Analysis on November 15, 2019

### **Financial Plan Impact**

Funds are sufficient in the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. DOEE enforces the current bans related to food service businesses and will utilize this same enforcement staff to enforce this bill's prohibitions on retail sales of polystyrene products. DOEE can absorb any costs associated with enforcement, advertising, and education with its existing budgeted resources. The prohibition begins on July 1, 2020, giving DOEE time to fully establish its enforcement policies and processes for the recently implemented polystyrene and disposable food service product bans before beginning enforcement of the bill's retail business ban.

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ATTACHMENT

C

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**OFFICE OF THE GENERAL COUNSEL**

Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

**MEMORANDUM**

**TO:** Councilmember Mary Cheh

**FROM:** Nicole L. Streeter, General Counsel *NLS*

**DATE:** December 9, 2019

**RE:** Legal sufficiency determination for Bill 23-191, the  
Polystyrene Food Service Product and Packaging  
Prohibition Amendment Act of 2019

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The measure is legally and technically sufficient for Council consideration.

The bill would amend the Sustainable DC Omnibus Amendment Act of 2014 to prohibit the retail sale of expanded polystyrene food service products,<sup>1</sup> expanded polystyrene containers,<sup>2</sup> and expanded polystyrene packaging.<sup>3</sup>

I am available if you have any questions.

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<sup>1</sup> Under existing law, the term "expanded polystyrene food service products" means food containers, plates, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products made of expanded polystyrene and used for selling or providing food.

<sup>2</sup> Under the bill, the term "expanded polystyrene container" means a container, such as a cooler or ice chest, made of expanded polystyrene that is not wholly encapsulated or encased within a more durable material.

<sup>3</sup> Under the bill, the term "expanded polystyrene packing material" means material, such as packing peanuts, made of expanded polystyrene used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.

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ATTACHMENT

D

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**Comparative Committee Print B23-191**  
**Committee on Transportation and the Environment**  
**December 11, 2019**

§ 8-1531. Definitions.

For the purposes of this chapter, the term:

(1) "Compostable" means:

(A) Made solely of materials that break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate program; and

(B) Once the Mayor has published the list of compostable materials described in § 8-1031.03(b), identified on that list;

(1A) "Disposable food service ware" means containers, bowls, plates, trays, cartons, cups, lids, straws, forks, spoons, knives, napkins, and other items that are designed for one-time use for beverages, prepared food, or leftovers from meals prepared by a food service entity. The term "disposable food service ware" shall not include items composed entirely of aluminum.

(2) "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

(2A) "Expanded polystyrene container" means a container, such as a cooler or ice chest, made of expanded polystyrene that is not wholly encapsulated or encased within a more durable material.

(3) "Expanded polystyrene food service products" means food containers, plates, hot and cold beverage cups, meat and vegetable trays, egg cartons, and other products made of expanded polystyrene and used for selling or providing food.

(3A) "Expanded polystyrene packing material" means material, such as packing peanuts, made of expanded polystyrene used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.

(4) "Food service entity" means full-service restaurants, limited-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, supermarkets, grocery stores, vending trucks or carts, food trucks, cafeterias, including those operated by or on behalf of District departments and agencies, and other entities selling or providing food within the District for consumption on or off the premises.

(5) "Recyclable" means made solely of materials that can be recycled using the District's recycling collection program and identified on the list of recyclable materials described in § 8-1031.03(b).

(6) "Retailer" means a person engaged in retail sales in the District.

§ 8-1532. Prohibition on use of expanded polystyrene food service products.

(a)(1) By January 1, 2016, no food service entity shall sell or provide food in expanded polystyrene food service products, regardless of where the food will be consumed.

(2) By January 1, 2021, no retailer shall sell or offer for sale an expanded polystyrene food service product, expanded polystyrene container, or expanded polystyrene packing material.

(b) Subsection (a)(1) of this section shall not apply to food or beverages that were filled and sealed in expanded polystyrene containers before a food service entity received them or to

materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

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ATTACHMENT

E

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5  
6 A BILL  
7

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8 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
9

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10  
11 To amend the Sustainable DC Omnibus Amendment Act of 2014 to prohibit the retail sale of  
12 expanded polystyrene food service products, expanded polystyrene containers, and  
13 expanded polystyrene packaging.  
14

15 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
16 act may be cited as the “Polystyrene Food Service Product and Packaging Prohibition  
17 Amendment Act of 2019”.

18 Sec. 2. The Sustainable DC Omnibus Amendment Act of 2014, effective December 17,  
19 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531 *et seq.*), is amended as follows:

20 (a) Section 401 (D.C. Official Code § 8-1531) is amended as follows:

21 (1) A new paragraph (2A) is added to read as follows:

22 “(2A) “Expanded polystyrene container” means a container, such as a cooler or  
23 ice chest, made of expanded polystyrene that is not wholly encapsulated or encased within a  
24 more durable material.”.

25 (2) A new paragraph (3A) is added to read as follows:



“ (3A) “Expanded polystyrene packing material” means material, such as packing peanuts, made of expanded polystyrene used to hold, cushion, or protect items packed in a container for shipping, transport, or storage.”.

(3) A new paragraph (6) is added to read as follows:

“(6) “Retailer” means a person engaged in retail sales in the District.”.

(b) Section 402 (D.C. Official Code § 8-1532) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The existing text is designated as paragraph (1).

(B) A new paragraph (2) is added to read as follows:

“(2) By January 1, 2021, no retailer shall sell or offer for sale an expanded polystyrene food service product, expanded polystyrene container, or expanded polystyrene packing material.”.

(2) Subsection (b) is amended by striking the phrase “Subsection (a)” and inserting the phrase “Subsection (a)(1)” in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

48 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
49 Columbia Register.